



KAUFMAN BORGEEST & RYAN LLP

**MEMO ENDORSED**

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June 14, 2023

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**VIA ECF**

Valerie Caproni, United States District Judge  
United States District Court for the  
Southern District of New York  
Thurgood Marshall  
United States Courthouse  
40 Foley Square, Room 240  
New York, NY 10007

Re: *Aspen American Ins. Co. v. Dual Commercial LLC*  
Civil Action No.: 1:23-cv-03542-VEC

Dear Judge Caproni:

Plaintiff Aspen American Insurance Company ("Aspen") respectfully moves the Court continue the initial case management conference that is scheduled for June 23, 2023 at 10:00 a.m., and to extend the deadline for the parties to submit the joint letter, which is currently due on June 15, 2023. (ECF No. 6.)

Counsel for Aspen recently learned that counsel for Defendant Dual Commercial LLC ("Dual") will be withdrawing as counsel for Dual and new counsel will be assigned. (See Ex. A.) Until new counsel for Dual is assigned, Aspen is unable to confer with Dual on the issues required to be discussed and memorialized in the joint letter. As such, Aspen respectfully requests that the Court continue the initial case management conference and extend the deadline to file the joint letter to a date after Dual has retained new counsel.

This is Aspen's first request for the relief requested herein.

Sincerely,

KAUFMAN BORGEEST & RYAN LLP

A handwritten signature in blue ink, appearing to read 'BM', is written over the name 'Brian Margolies'.

Brian Margolies

cc: Sabrina Haurin

The initial pretrial conference in this matter is ADJOURNED to **Friday, July 7, 2023, at 10:00 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. The parties' pre-conference submissions, as described at Dkt. 6, are due on **June 29, 2023**. Defendant is reminded that, pursuant to the Court's order at Dkt. 11, the deadline to answer or otherwise respond to the complaint is **June 26, 2023**.

Plaintiff is ordered to file proof of service of the endorsed letter on Defendant by **June 21, 2023**.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written over a horizontal line.

06/16/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

## Sabrina Haurin

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**From:** Gina Kim <kim.g@wssllp.com>  
**Sent:** Friday, June 9, 2023 1:30 PM  
**To:** Sabrina Haurin  
**Cc:** Christopher B. Burch; Brian Margolies  
**Subject:** RE: Aspen American Insurance Company v. Dual Commercial LLC

We do not, unfortunately, but will let you know as soon as we do. As an FYI, Dual has not yet file an Answer, and their time to do so was extended to June 26, 2023.

Gina Kim, Esq.  
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**From:** Sabrina Haurin <shaurin@baileycav.com>  
**Sent:** Friday, June 9, 2023 11:02 AM  
**To:** Gina Kim <kim.g@wssllp.com>  
**Cc:** Christopher B. Burch <cburch@baileycav.com>; Brian Margolies <bmargolies@kbrlaw.com>  
**Subject:** RE: Aspen American Insurance Company v. Dual Commercial LLC

Gina:

Do you know who the new counsel will be? The court has scheduled the initial conference in this case and we are supposed to submit a joint letter by the 15<sup>th</sup>, so it would be helpful to know who we should be conferring with.

Sincerely,  
Sabrina

Sabrina Haurin *Member*

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**From:** Gina Kim <[kim.g@wssllp.com](mailto:kim.g@wssllp.com)>  
**Sent:** Thursday, June 8, 2023 7:56 PM  
**To:** Sabrina Haurin <[shaurin@baileycav.com](mailto:shaurin@baileycav.com)>  
**Subject:** RE: Aspen American Insurance Company v. Dual Commercial LLC

Hi Sabrina,

This case is being reassigned to new defense counsel. Please feel free to give me a call if you have any questions in the interim. Thank you.

Gina Kim, Esq.  
Winget, Spadafora & Schwartzberg, LLP  
45 Broadway, 32<sup>nd</sup> Floor  
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**From:** Sabrina Haurin <[shaurin@baileycav.com](mailto:shaurin@baileycav.com)>  
**Sent:** Tuesday, June 6, 2023 11:31 AM  
**To:** Gina Kim <[kim.g@wssllp.com](mailto:kim.g@wssllp.com)>  
**Cc:** Christopher B. Burch <[cburch@baileycav.com](mailto:cburch@baileycav.com)>; Brian Margolies <[bmargolies@kbrlaw.com](mailto:bmargolies@kbrlaw.com)>; Harris Katz <[katz.h@wssllp.com](mailto:katz.h@wssllp.com)>  
**Subject:** Aspen American Insurance Company v. Dual Commercial LLC

Gina:

Along with Brian Margolies, I and my colleague Chris Burch, also represent Aspen American Insurance Company in the above-referenced matter. I am writing to determine whether Dual is agreeable to conducting the initial conference that is scheduled for June 22<sup>nd</sup> by telephone as opposed to in person. If so, we will file an unopposed motion asking that the conference be converted to a telephone conference. Also, we will send you a draft joint letter this week for your review.

Sincerely,  
Sabrina

Sabrina Haurin *Member*

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Bailey Cavalieri LLC

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